

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

KAHLIA J. ENGLISH,	:	Case No. 1:20-cv-884
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	
vs.	:	Magistrate Judge Karen L. Litkovitz
	:	
JIM NEIL, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY  
ADOPTING THE REPORTS AND RECOMMENDATIONS  
OF THE UNITED STATES MAGISTRATE JUDGE (Docs. 13, 19, 20)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and, on December 17, 2020, submitted a Report and Recommendation (“R&R”). (Doc. 13). The Magistrate Judge recommended that this Court dismiss with prejudice Plaintiff Kahlia English’s claims against Sheriff Jim Neil and the Hamilton County Justice Center (“HCJC”), leaving Plaintiff’s claims against L.T. Ms. Reed as the only remaining claims. (*Id.*). Plaintiff filed objections to this first R&R. (Doc. 17).<sup>1</sup>

---

<sup>1</sup> Plaintiff filed a motion for extension of time to file his objections (Doc. 15), and subsequently filed his objections (Doc. 17). For good cause, that motion is **GRANTED**, and the Court will consider Plaintiff’s objections.

With his objections, Plaintiff also requested the Magistrate Judge reconsider the recommendation to dismiss the HCJC.<sup>2</sup> (Doc. 18). The Magistrate Judge reviewed the motion for reconsideration, and, on January 29, 2021, submitted a second R&R, recommending that this Court deny the motion for reconsideration. (Doc. 19). Plaintiff filed objections to the second R&R. (Doc. 22).

Also before the Court is a third R&R submitted by the Magistrate Judge on February 1, 2021. (Doc. 20). This R&R concerns Plaintiff's motion for legal services based on the Defendants' allegedly denying Plaintiff access to the law library. (Doc. 10). The motion requested the Court afford him access to the law library. (*Id.*). The Magistrate Judge construed this as a motion for preliminary injunction and recommended that this Court deny the motion. (Doc. 20). No objections were filed to the third R&R.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. After reviewing the filings, including Plaintiff's objections, the Court finds Plaintiff's objections not well-taken and adopts the Magistrate Judge's first, second, and third R&Rs. (Docs. 13, 19, 20).

Plaintiff's objection to the first R&R is not well taken. (Doc. 17). Plaintiff objects to the Magistrate Judge's conclusion that the HCJC should be dismissed as an improper party, arguing that the HCJC should be held accountable as Defendant Reed's employer.

---

<sup>2</sup> The motion for reconsideration (Doc. 18) and Plaintiff's objections (Doc. 17) are the same document. The document is docketed twice and construed as two separate filings, given that it both objects to the Magistrate Judge's first R&R and asks the Magistrate Judge to reconsider dismissing the HCJC.

(Doc. 17). However, as the Magistrate Judge concluded, and this Court agrees, the HCJC is not a proper defendant because the HCJC is not a “person” subject to suit under 42 U.S.C. § 1983. (Doc. 13 at 4). Moreover, even liberally construing Plaintiff’s complaint, Plaintiff failed to allege a cognizable claim against the HCJC, such as a failure-to-train claim or that his constitutional rights were violated pursuant to a county policy. (Doc. 19 at 2). Accordingly, this objection is overruled.

Plaintiff’s objection to the second R&R is also not well taken. (Doc. 22). Construing this objection liberally, Plaintiff contends that the Magistrate Judge erred by not considering his *pro se* status when recommending that this Court dismiss his claims against the HCJC and Sheriff Neil. (*Id.*). However, the Magistrate Judge did consider Plaintiff’s *pro se* status, and liberally construed Plaintiff’s complaint. (Doc. 13 at 2; Doc. 19 at 2). This objection is overruled.

Accordingly, upon consideration of the foregoing and this Court’s *de novo* review:

1. The Reports and Recommendations (Docs. 13, 19, 20) are hereby **ADOPTED**;
2. Plaintiff’s motion for preliminary injunction (Doc. 10) is **DENIED**;
3. Plaintiff’s motion for extension of time (Doc. 15) is **GRANTED**;
4. Plaintiff’s motion for reconsideration (Doc. 18) is **DENIED**; and
5. Plaintiff’s complaint is **DISMISSED with prejudice**, except for Plaintiff’s claims against L.T. Ms. Reed.

**IT IS SO ORDERED.**

Date: 4/8/2021

s/Timothy S. Black  
Timothy S. Black  
United States District Judge